



Fair Campaign Practices Commission
Open Government Commission

**CONCURRENT REGULAR MEETING OF THE FAIR CAMPAIGN PRACTICES
COMMISSION AND THE OPEN GOVERNMENT COMMISSION**

MEETING AGENDA

April 18, 2024

6:30 p.m.

**2180 Milvia St., Berkeley, CA 94704
1st Floor, Cypress Room**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Secretary: Samuel Harvey

The Commission may act on any item on this agenda

1. Call to Order 6:30 p.m.
2. Roll Call.
3. Public Comment. *Comments on subjects not on the agenda that are within the Commissions' purview are heard at the beginning of meeting. Speakers may comment on agenda items when the Commission hears those items.*
4. Approval of minutes for March 21, 2024 FCPC-OGC Special Meeting

Fair Campaign Practices Commission (FCPC) Agenda

5. Reports.
 - a. Report from Chair.
 - b. Report from Staff.
6. Report from negotiating subcommittee for Mike Chang for School Board 2022; discussion and possible action.

Open Government Commission (OGC) Agenda

7. Reports.
 - a. Report from Chair.
 - b. Report from Staff.
8. Letter from Jim McGrath raising concerns regarding compliance with the Open Government Ordinance, Public Records Act and Brown Act; discussion and possible action.

Joint FCPC-OGC Calendar

9. Communication to City Council regarding FCPC-OGC vacancies; discussion and possible action.
10. Inclusion of Land Acknowledgment in Commission meeting practices; discussion and possible action.

Information Items

11. Public Financing Candidate Certifications:
 - a. Ruben Hernandez Story
 - b. Soli Alpert
12. Adjournment.

Communications

None

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. **SB 343 Disclaimer:** Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Attorney's Office at 2180 Milvia St., 4th Fl., Berkeley, CA.



Fair Campaign Practices Commission
Open Government Commission

DRAFT MINUTES

March 21, 2024

CONCURRENT SPECIAL MEETING OF THE FAIR CAMPAIGN PRACTICES COMMISSION AND THE OPEN GOVERNMENT COMMISSION

Civic Center
2180 Milvia Street
Berkeley, CA 94707
Cypress Room

Secretary: Samuel Harvey

Members Present: Patrick O'Donnell, Janis Ching, Kitt Saginor, Jessica Blome, Henry Isselbacher, Pedro Hernandez

Also Present: Samuel Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 6:36 p.m.

2. **Roll Call**

Roll call taken

3. **Public Comment**

No speakers.

4. **Approval of Minutes:**

a. January 18, 2024 FCPC-OGC Concurrent Regular Meeting

a. Public comment: No speakers

b. Commission discussion and action

Motion to approve minutes (M/S/C: Isselbacher/O'Donnell; Ayes: O'Donnell, Ching, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: none.)

FCPC Agenda

5. **Reports**

a. **Report from Chair**

b. **Report from Staff**

6. **Report from negotiating subcommittee: Mike Chang for School Board 2022.**

- a. Public comment: No speakers
- b. Commission discussion

7. **Report from subcommittee on contribution limits under Berkeley Municipal Code § 2.12.415.**

- a. Public comment: No speakers
- b. Commission discussion and action

Motion to table item until after November 2024 Election (M/S/C: Blome/Sagino; Ayes: O'Donnell, Ching, Sagino, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: none.)

OGC Agenda

8. **Reports**

- a. **Report from Chair**
- b. **Report from Staff**

9. **Report from subcommittee reviewing policies and practices related to City Council meeting public commenting, access and public participation.**

- a. Public comment: No speakers
- b. Commission discussion and action

Motion to authorize Commissioners Ching and Sagino to speak on behalf of Commission to City Council on this item (M/S/C: Isselbacher/O'Donnell; Ayes: O'Donnell, Ching, Sagino, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: none.)

10. **City Council proposed changes to public access and participation in Council meetings, disruptions and legislative processes (Cmr. Sagino).**

- a. Public comment: No speakers
- b. Commission discussion

Joint FCPC-OGC Agenda

11. **Adoption of 2024 FCPC-OGC Joint Concurrent Meeting Schedule.**

- a. Public comment: No speakers
- b. Commission discussion and action

Motion to adopt a meeting schedule holding regular concurrent meetings on the third Thursday of the month at 6:30pm in the Cypress Room at 2180 Milvia St. (M/S/C: Ching/Blome; Ayes: O'Donnell, Ching, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: none

12. **Election of Chair and Vice-Chair**

- a. Public comment: No speakers
- b. Commission discussion and action
- c.

Motion to elected Commissioner Saginor to the office of Chair and elect Commissioner Isselbacher to the office of Vice Chair (M/S/C: Blome/Ching; Ayes: O'Donnell, Ching, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: none

13. **Adjournment**

Motion to adjourn (M/S/C: Ching/Isselbacher; Ayes: O'Donnell, Ching, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: none

The meeting adjourned at 8:15 p.m.



**Fair Campaign Practices Commission
Open Government Commission**

Date: April 18, 2024

To: Honorable Mayor and Members of the City Council

From: Kitt Saginor, Chair

Subject: Vacancies on the Fair Campaign Practices and Open Government Commissions

Currently the Fair Campaign Practices Commission (“FCPC”) and Open Government Commission (“OGC”)¹ only have five of nine seats filled. The number of vacancies is particularly troubling for the FCPC as the City is currently in an election year with two special elections and a regular election. The FCPC will require the knowledge and hard work of all of its members in order to adequately enforce the Berkeley Election Reform Act (BMC Ch. 2.12) and address the variety of election-related matters which come before the FCPC in an election year.

These vacancies have also raised concerns for the Commissions regarding Brown Act compliance, as each Commission’s subcommittees typically consist of three members, which would now constitute a quorum of the Commission. This concern is heightened for the FCPC, which utilizes subcommittees to review complex campaign finance enforcement matters.

We respectfully request that members of the City Council fill these vacancies at their earliest convenience.²

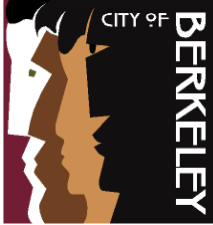
Sincerely,

Kitt Saginor
Chair
Fair Campaign Practices Commission
Open Government Commission

cc. Mark Numainville, City Clerk

¹ Pursuant to Berkeley Municipal Code section 2.06.190, the OGC consists of the members of the FCPC. The two commissions typically meet concurrently.

² The following seats are vacant: District 2, District 6, District 8, Mayor.



Fair Campaign Practices Commission
Open Government Commission

Date: April 11, 2024

To: Fair Campaign Practices Commission
Open Government Commission

From: Kitt Saginor, Chair

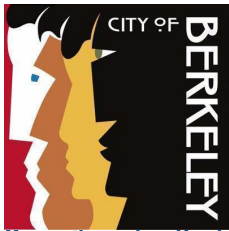
Subject: Land Acknowledgment Practice

At its October 11, 2022, meeting, the City Council approved a resolution adopting a Land Acknowledgment recognizing that Berkeley is the ancestral, unceded home of the Ohlone people. The resolution (No. 70,564-N.S.) provides that the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the City Council and read aloud at the first Regular City Council meeting of the month. The Council also recommended that all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities consider inclusion of the Land Acknowledgement in their meeting practices. Other City commissions, including the Environment and Climate Commission and the Civic Arts Commission use the following language:

LAND ACKNOWLEDGEMENT

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

Recommendation: Review the City Council Memorandum dated October 11, 2022 and Resolution 70,564 recognizing Berkeley as the ancestral, unceded home of the Ohlone People (Attachment 1) and consider establishing a land acknowledgement practice accordingly.



Councilmember Sophie Hahn
City of Berkeley, District 5

CONSENT CALENDAR

October 11, 2022

To: Honorable Mayor and Members of the City Council
From: Councilmember Hahn (Author)
Mayor Jesse Arreguín (Co-Sponsor)
Subject: Land Acknowledgement Recognizing Berkeley as the Ancestral,
Unceded Home of the Ohlone people.

RECOMMENDATION

1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

SUMMARY

Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions.

The settlers of California, primarily Europeans seeking religious converts, agricultural land and economic opportunity during the gold rush, committed one of the most egregious genocides in history. Settlers murdered 80 percent of Indigenous people in the state from

1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation.¹

Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities. Today, land acknowledgments are used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live.² To begin public meetings, dozens of localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements. Many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA), read these acknowledgements as well. The practice has been common for nearly a decade in Canada, New Zealand, and Australia.³

Locally, many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board.

However impactful these statements may be, it's important to consider that land acknowledgements have been criticized as appropriating the Indigenous practice of acknowledging the ancestral roots of land without taking concrete action against ongoing oppression.⁴ According to University of Oklahoma Professor of Native American Cultural Studies Dustin Tahmahkera, "To acknowledge Indigenous homelands and to return those lands are related, but the former alone allows for rhetoric without further action."⁵

Dr. Duke Redbird, an Elder of the Saugeen First Nation in Ontario recently noted that Canada has invited non-Indigenous territories such as Prince Edward Island into the government's confederation, giving them lawmaker representation in parliament, while excluding millions of Indigenous people from the same opportunity:⁶

¹ Madley, B. (2016). *An American Genocide. The United States and the California Indian Catastrophe*. Yale University Press. Print. p. 10, 12. Note: approximately, one in ten of these 125,000 deaths were the result of direct violence, often perpetuated by volunteer militias. Others resulted indirectly through displacement and disease.

² Smithsonian National Museum of the American Indian, *Honoring Original Indigenous Inhabitants: Land Acknowledgment*. [Web](#).

³ Dewey, C. (2021). *Growing Number of Cities Weigh Tribal 'Land Acknowledgements.'* Pew Research Trust. [Web](#).

⁴ Kaur, H. (2021). *Land acknowledgments are often an empty gesture, some Indigenous people say.* CNN. [Web](#).

⁵ Wood, G. (2021). *'Land Acknowledgments' Are Just Moral Exhibitionism.* The Atlantic. [Web](#).

⁶ Museum of Toronto (2020). *Ask an Elder: What do Land Acknowledgements represent?* [Web](#).

To get up in government and give a land acknowledgement without even inviting us into confederation, we were left out. What is the land acknowledgement supposed to represent? Give us a feeling that we should be grateful? Grateful for what?

Naomi Bob, an Indigenous Youth Wellness Project Coordinator with the Snaw'naw'as and Nanoose First Nation, shared his perspective:⁷

I'm seeing land acknowledgements done in a way that is tokenizing and minimizes responsibility and our history... It's really easy to list off your host nations you found off of a google search but I want to hear how you as an individual have ended up on their land and I want to hear about the work you're doing to reconcile responsibilities you have inherited . . .

One of the leading advocacy groups for land acknowledgement, the Native Governance Center, acknowledges this issue of “optical allyship,” asking that local governments and community groups craft land acknowledgements that go beyond a mere statement, by providing research on the history of Indigenous peoples and offering concrete actions to support them. The organization’s Guide to Indigenous Land Acknowledgement states “every moment spent agonizing over land acknowledgement wording is time that could be used to actually support indigenous people... an apology or an acknowledgement is one thing, but what are you going to do next?”⁸

At an April 2022 Berkeley Rent Stabilization Board meeting Lisjan Ohlone Chairperson Corrina Gould spoke in support of their land acknowledgment and emphasized that we must acknowledge not only the past but also the future. She stressed that land acknowledgements are “a way to create goals together so there is an ongoing partnership taking care of the lands, and waters, and places that we live.”⁹ The City of Berkeley should honor this intention and use this resolution and the Land Acknowledgement practice as a first step to bring attention to these histories and as a foundation for further concrete actions.

This item asks for the Land Acknowledgement to be formally adopted, displayed, and spoken by the City Council at the start of proceedings, and asks other appointed and elected governmental bodies in Berkeley to consider adopting similar Land

⁷ CFSC Video (2020). Why are land acknowledgments important? Naomi Bob - Indigenous Voices on Reconciliation. [Web](#).

⁸ Native Governance Center (2019), quoting Dr. Kate Beane of the Falandreau Santee Dakota and Muskogee Creek as well as Robert Larson of the Sioux Indian Community. A Guide to Indigenous Land Acknowledgement. [Web](#).

⁹ City of Berkeley (2022). Berkeley Rent Board Adopts Land Acknowledgement Statement. [Web](#).

Acknowledgement practices. More importantly, *it is intended to serve as a starting point for further restorative and reparative work our City and community must engage in, not as an end in and of itself.*

BACKGROUND

The United States, the State of California, and the City of Berkeley came into being through the deliberate and sustained genocide of Indigenous people, and modern forms of this colonial violence continue to this day both here in Berkeley and across the country and globe. This history is often obscured or erased. Schools for decades have failed to teach the truth about this legacy, replacing hard and ugly facts with a variety of convenient myths and misrepresentations. Surviving Native Americans endured forced reeducation at boarding schools that suppressed oral history transmission, and fear of violence and murder drove many to hide their Indigenous ancestry, further eroding culture and memory.¹⁰ But Lisjan Ohlone and other Native American people found ways to survive this murderous and cultural genocide, and many are with us today.

To contextualize this painful history, honor the Indigenous people who have survived and resisted this violence, and chart a new path forward for our community, this item briefly recounts elements of this history to understand the present.

The Ohlone are a group of around 50 separate tribes, who for 10,000 years lived on ancestral lands that spanned the coast of what is now known as San Francisco through Monterey Bay to the lower Salinas Valley.¹¹ There were eight different nations in the Bay Area alone, including the Lisjan; many came to adopt the term Ohlone in solidarity with other nations to push back against the Spanish colonizers' blanket name of "Costanoan."¹²

The territory xučyun (Huchiun), extending from what is now known as the Berkeley Hills to the Bay Shore from West Oakland to El Cerrito, is the home territory of the Chochenyo speaking Ohlone people. The cities of Alameda, Berkeley, Emeryville, El Cerrito, and most of Oakland were created on this ancestral territory. Nearly 310,000 Indigenous people across the region lived in what is now called California, speaking as many as 100 languages.¹³

Spain began colonizing these lands in 1769, establishing military forts and religious "mission" outposts across the region, including Mission San Jose in Fremont and

¹⁰ Madley, B. (2016). Ibid. p. 10.

¹¹ UC Berkeley, n.d. Berkeley sits in the territory of xučyun. [Web](#).

¹² Gould, Corrina. (2021). Berkeley's Ohlone History. Peralta Community Garden. [Web](#).

¹³ Madley, B. (2016). Ibid. p. 23.

Mission Dolores in San Francisco, that enslaved the ancestors of some modern-day Berkeley and East Bay Ohlone people.¹⁴ ¹⁵Spain used slavery, rape, and torture of Indigenous people to secure silver mines to compete against colonial powers like Russia and Britain and “spiritually conquer” the region in the name of Catholicism.¹⁶ In this period, Spain claimed ownership of the land and granted use rights to some ranchers and farmers.¹⁷

In 1818, the Spanish soldier Luis Peralta petitioned the Spanish authorities to be granted 48,000 acres extending from modern day San Leandro Creek to El Cerrito. This area, encapsulating modern day Berkeley, was known as “Rancho San Antonio.” Two of Peralta’s four sons, Domingo and Vicente (for which streets are named today), administered the territory for nearly two decades, through the transfer of the region to Mexico from Spain. Ranching appropriated and destroyed native landscapes and diverted streams for irrigation at great cost to native peoples, some of whom found ways to survive amid ongoing Spanish oppression.¹⁸

Following Mexican independence in 1821, the new Mexican government granted private land rights to individual “ranchos” through the Missions: these land grant settlers began occupying prime agricultural lands across the state, but remained less than 20 percent of California’s population – the remainder being Native American.¹⁹ The Peralta family soon had company in the form of other landed “aristocratic” families, which replaced the missionary friars as the most powerful people across the region.²⁰

Amid the 1850’s Gold Rush, U.S. soldiers victorious over Mexico and other squatters began to make legal claims to the Peralta lands. Federal judges of the California Land Commission in 1851, not well prepared for their tasks, attempted to resolve these numerous land disputes, but the Peraltas were overwhelmed by lawyers’ bills and property taxes, eventually selling off much of their lands to pay their debts.²¹ Meanwhile the violent occupation of settlers as well as the spread of European diseases like smallpox reduced the Indigenous population to only 150,000 people by the time the United States had taken legal control of what is now California in 1846, during the Mexican-American war.²²

¹⁴ Novan, K. (2021). California Agriculture: Dimensions and Issues, 2nd Edition: Chapter 3, California’s Evolving Landscape. University of California: Giannini Foundation of Agricultural Economics. [Web](#). p. 59.

¹⁵ Gould, Corrina. (2021). Ibid.

¹⁶ Novan, K. (2021). Ibid. p. 59.

¹⁷ Madley, B. (2016). Ibid. p. 27 - 38.

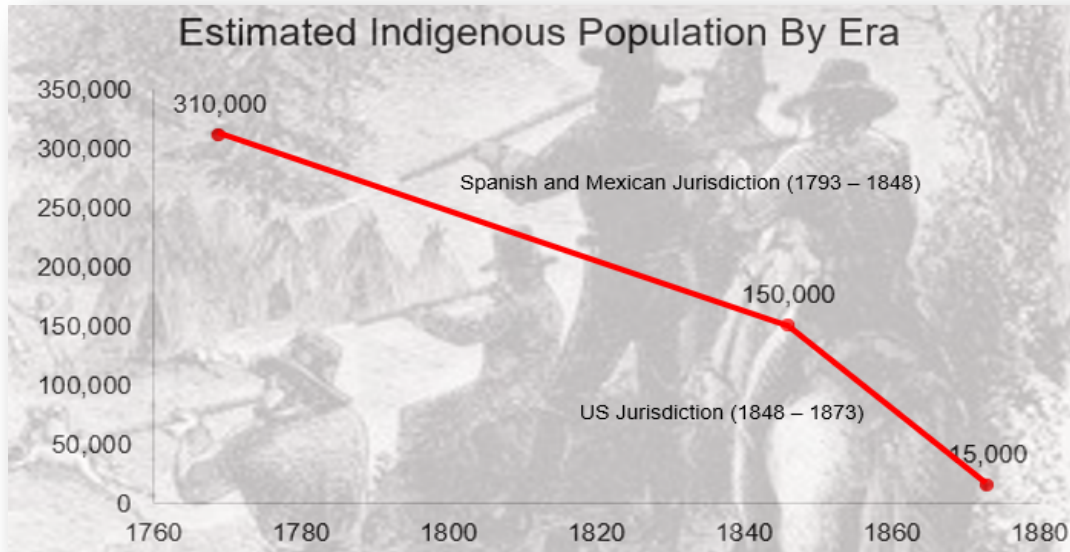
¹⁸ Wollenberg, C. (2008). Berkeley: A City in History. Chapter One: First Settlers. UC Press. p. 8. [Web](#).

¹⁹ Novan, K. (2021). Ibid. p. 60. / Lindsay, B.C. (2012), p. 131

²⁰ Wollenberg, C. (2008). Ibid. P. 8

²¹ Wollenberg, C. (2008). Ibid. P. 14

²² Madley, B. (2016). Ibid. p. 3, 12



So began the era of more affirmative, state-sponsored genocide that led US Indian Affairs Commissioner John Collier to declare in 1935 that “The world’s annals contain few comparable instances of swift depopulation— practically, of racial massacre—at the hands of a conquering race.”²³ Brenden C. Lindsay, Associate Professor of History at Sacramento State and author of *Murder State: California’s Native American Genocide*, concludes that “northern California’s Native population faced a genocidal assault perhaps unrivaled in North America in terms of its ferocity, bloodiness, and loss of human life,” this violence was executed through state-sponsored and state-tolerated violence, enslavement, and displacement.²⁴

It was just not just a select few who engaged in this violence. European settlers flooding into Northern California in search of gold came with a manufactured fear of Indigenous people, due to repetitive, sensationalized, and false storytelling in newspapers and other reports. Deaths from disease, natural causes, and even suicide were attributed to Indigenous people while actual violence by Indigenous people against settlers was quite rare. For example, contrary to popular myths, only 115 of nearly 90,000 new settlers were killed in conflicts with Indigenous people during the 1840s.²⁵ This manufactured fear, which translated into hatred, provided pretext for California Governors John

²³ Madley, B.

²⁴ Lindsay, B.C. (2012) *Murder State: California’s Native American Genocide, 1846-1873*. University of Nebraska Press. Print. p. 177

²⁵ Lindsay, B.C. (2012). *Ibid.* p. 9, 23, 31, 39, 120.

McDougal and Peter Burnett to legally sanction volunteer militias tasked with pushing Indigenous people off farming and ranching lands in the most economically efficient way possible: massacre.²⁶ Justifying this genocide with slurs like “digger,” Indigenous people were equated with animals for the purpose of literally hunting them with guns.²⁷

Many Indigenous people were enslaved for labor as well. Prominent State Senators and ranchers during California’s early years pushed the Governor to create reservations where Indigenous people could be used for hard labor but kept separate from whites. Legislation was also passed echoing legislation in southern States to reduce Indigenous people to non-legal entities who could be legally enslaved.²⁸ If Indigenous people were found drunk on Sundays, they were arrested and enslaved: the Los Angeles Star reported one instance where a jail door fell down because the cell was so crowded with imprisoned native people.²⁹ These and similar atrocities precipitated the unsuccessful pan-Indigenous “Garra Revolt” during the 1850s.

This enslavement also went hand in hand with displacement from ranching, which led to extreme poverty and starvation, with many Indigenous people desperate for work to survive. Ranching throughout California depended on the labor of enslaved Indigenous people as quests for gold by settlers drained the labor force.³⁰ Ranchers hunted deer and elk that competed for food with their cows and horses, devastating wild herds. Domesticated animals like cows, pigs, and sheep ate thousands of acres of plants Indigenous people depended on for food.³¹ This environmental devastation drove some Indigenous people such as the Paiutes to attack cows and horses (though even this tactic of survival was exaggerated by settlers, who often attributed the natural deaths of domesticated animals to Indigenous people).³² In an ironic twist, Indigenous peoples who killed domesticated animals tended to receive more in reservation funding, as this act of resistance created heavy costs for the ranchos.

The legal system, disguised with the veneer of “democratic will,” barred Indigenous people from testifying in court against settlers: in practice, legalizing their murder.³³ The Treaty of Guadalupe-Hidalgo, which ended the Mexican-American War, was violated as California took Indigenous affairs, a federal responsibility, into local hands following

²⁶ Lindsay, B.C. (2012). *Ibid.* p. 151, 170.

²⁷ Lindsay, B.C. (2012). *Ibid.* p. 133, 185

²⁸ Lindsay, B.C. (2012). *Ibid.* p. 146-148

²⁹ Lindsay, B.C. (2012). *Ibid.* p. 23, 153

³⁰ Lindsay, B.C. (2012). *Ibid.* p. 31, 136, 153

³¹ Lindsay, B.C. (2012). *Ibid.* p. 176, 181, 183, 186

³² Lindsay, B.C. (2012). *Ibid.* p. 17, 136, 186

³³ Lindsay, B.C. (2012). *Ibid.* p. 27, 28, 132, 168,

statehood.³⁴ For its part, however, the federal government reimbursed the cost of volunteer militias with millions in funding, effectively bankrolling massacre. It also issued a decree allowing soldiers from the Mexican-American war to claim up to 160 acres of land in California as a bounty, another factor in the demise of Ranchos and the establishment of “land rights” - to land that was stolen once from Indigenous peoples and a second time from the “owners” of formerly Spanish and later Mexican Ranchos.

The Sogorea Te’ Land Trust is an urban Indigenous women-led land trust based in the Bay Area that facilitates the return of Indigenous land to Indigenous people. The Trust’s website includes a short history of the Lisjan Ohlone, which parallels the history recounted in other sources.

“The Lisjan people have lived in the territory of Huchiun since the beginning of time. For thousands of years, hundreds of generations, the Lisjan Ohlone people have lived on the land that is now known as the East Bay in the San Francisco Bay Area. We did not own the land, we belonged to it. Generation after generation, we have cultivated reciprocal relationships with the plants and animals we share this place with, and developed beautiful and powerful cultural practices that keep us in balance.

The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history. Our tribes, cultures and languages are as diverse as the ecosystems we live within. When the Spanish invaded in the late 1700s, in their ignorance they called us Costanoan, people of the coast. In the 1960s and 70s, inspired by the Black Power and American Indian Movements, we organized and renamed ourselves Ohlone. The different nations of Ohlone people are connected but have different territories and languages. The Confederated Villages of Lisjan speak the language Chochenyo.

The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napian (Patwin). Our territory includes 5 Bay Area counties; Alameda, Contra Costa, Solano, Napa and San Joaquin, and we are directly tied to the “Indian Town” census of the 1920s and the Verona Band.

The colonization of this land began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land. The Missions were plantations, built by slave

³⁴ Lindsay, B.C. (2012). Ibid. p. 28, 140-143

labor and sustained through brutal physical violence and extractive land practices. The Spanish brought deadly diseases, invasive species, and Christian ideology, based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings we have shared the land with.

After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely. In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities. Cultural and spiritual traditions were forced into dormancy or secrecy, and much knowledge perished with the passing of generations.

Despite these concerted efforts to erase our history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families. Utilizing a wide array of survival strategies to navigate a profoundly altered 21st century world, we continue to revitalize our cultural practices and uphold our responsibilities to protect and care for our ancestral homeland.

We have survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras. Today, we continue to inhabit our ancestral homeland, fight for our sacred sites and revitalize our cultural practices.”³⁵

Despite the incredible strength it has taken to survive the repeated onslaughts of slavery, disease, environmental destruction, land appropriation, and state-sponsored physical and cultural genocide, centuries of trauma from colonization manifest themselves in ongoing struggles for Indigenous People in California and beyond. The nearly two million Indigenous people living under U.S. jurisdiction suffer the highest rate of poverty of any racial group—almost twice the national average. Rates of suicide, alcoholism, gang membership, and sexual abuse are also far higher than that of the non-Indigenous population, with challenges particularly acute on reservations.³⁶

By restoring sovereignty and land to Indigenous people, with negotiated environmental protections and meaningful economic opportunity, is one way to help repair deeply scarred communities.

As Standing Rock and other pipeline opposition campaigns have shown, Indigenous peoples living under U.S. jurisdiction continue to stand up against pipelines, oil extraction,

³⁵ Sogorea Te' Land Trust, Lisjan (Ohlone) History & Territory. [Web](#).

³⁶ Riley, N.S. (2016). One Way to Help Native Americans: Property Rights. The Atlantic. [Web](#).

and other desecrations that destroy their limited lands and poison communities with cancer and polluted water. The petroleum industry has demolished sacred sites and confronts individuals who resist with rubber bullets, attack dogs, and other war-like practices.³⁷ While Indigenous People are anything but a monolith, this common cause against extraction, pollution and desecration unites many. As Dallas Goldtooth of the Dakota Nation and Indigenous Environmental Network has described:

[Resistance] resonates across the diaspora of Indigenous Peoples. This is a critical moment we find ourselves in on this planet, not just in the sense for addressing climate change, but also a sense for social justice, a sense of just overall justice for all species. Indigenous Peoples tend to be, and rightfully are, on the frontline of those fights and those struggles. That's encapsulated by this idea of us rising together.

This connection even extends internationally, as the state of California plays an outsized role in the extraction and destruction of Indigenous homelands in the Amazon as well. In turn, the deforestation of the Amazon destroys moisture distribution that contains wildfires across North America, and California in particular.³⁸ A recent investigation demonstrated that California consumes more oil extracted from the Western Amazon than any other region on earth, refining it for airports, Amazon, PepsiCo and COSTCO.³⁹

In another example of the enduring nexus between our State and community and forces of destruction to Indigenous lands, a federal investigation found the largest animal production company in the world, JBS, has been implicated in the continued deforestation of the Amazon as well as the torture and murder of Indigenous people of the Amazon.^{40 41} Several of Europe's largest supermarket chains have responded by banning JBS beef products, acknowledging that animal feed crops and animal grazing drives 80 percent of Amazon deforestation.^{42 43} Through our consumption here in Berkeley, we literally fuel practices that continue to destroy Indigenous People and the lands on which they survive.

³⁷ Buntin, A.C. (2017). Indigenous Resistance: The Big Picture behind Pipeline Protests. Cultural Survival. [Web](#).

³⁸ Lazard, O. (2020). One Answer to California's Fires Lies in the Amazon. Carnegie Europe. [Web](#).

³⁹ Amazon Watch. Linked Fates: How California's Oil Imports Affect the Future of the Amazon Rainforest. [Web](#).

⁴⁰ Mano, A. (2021). Brazil's JBS bought 301,000 cattle from 'irregular' farms in the Amazon, audit finds. Reuters. [Web](#).

⁴¹ Phillips, D. (2020). Brazilian meat companies linked to farmer charged with 'massacre' in Amazon. The Guardian. [Web](#).

⁴² Spring, J. and Deutsch, A. (2021). European supermarkets stop selling Brazil beef over deforestation links. Reuters. [Web](#).

⁴³ Butler, R. (2009). Controlling the Ranching Boom that Threatens the Amazon. Yale School of the Environment. [Web](#).

With knowledge of these connections between the meat we eat and petroleum we consume to continued oppression of Indigenous People and desecration of their lands, we should consider actions like the boycotts undertaken in European countries.

Thoughtfully acknowledging our own history and current aspirations for local and other Indigenous Peoples prior to public deliberation offers hope for more permanent and meaningful restorative action in Berkeley as well as statewide, nationally, and across the globe.

REVIEW OF EXISTING PLANS PROGRAMS, POLICIES, AND LAWS

The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as oppressive actions that persist today.

In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day. This action motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People.⁴⁴ Since then, nearly 130 cities nationwide and 20 states have acknowledged this day of recognition as well.

In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as a landmark. The site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing. In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States.⁴⁵

Regarding the significance of the Shellmound and Village historic district, the "Shellmound - Ohlone Heritage Site and Sacred Ground" website documents that:

"For thousands of years, the people of this original village on the East Bay shore thrived on the abundant resources of land and sea, developing a sophisticated maritime culture. Towering over the village was a great mound, estimated to have been at least 20 feet high and hundreds of feet long, one of the largest of the 425

⁴⁴ Associated Press (1992). In Berkeley, Day for Columbus Is Renamed. New York Times. [Web](#).

⁴⁵ Dinkelspiel, F. (2020). West Berkeley Shellmound is now considered one of the U.S.'s 11 most endangered historic places. BerkeleySide. [Web](#).

shellmound funerary monuments that once lined the shores of San Francisco Bay. These mounds are older than the pyramids in Egypt and most of the major cities in the world.

Archaeologists have long recognized the importance of the West Berkeley Shellmound site, also known as the “West Berkeley Site,” or CA-ALA-307. The site has been determined eligible for listing on the National Register of Historic Places under all four criteria, and is listed on the California Register of Historical Resources. Archaeological evidence from the West Berkeley Site has fundamentally shaped understandings of the early human history of the San Francisco Bay Area, and ongoing research continues to enrich and reinterpret an amazing historical narrative.

Eminent UC Berkeley archaeologist Kent Lightfoot describes the West Berkeley Site as a fishing village where “an active port was maintained over hundreds of years,” with dozens of tule balsa canoes going out on fishing and hunting expeditions, or ferrying people and goods across the Bay. Large nets were used to catch fish such as sturgeon, salmon, thresher sharks, jacksmelt and surfperch. Hunters pursued antelope, deer, tule elk, dolphins, porpoises, otters, sea birds and other quarry, cooking their catch in underground ovens and hearths.

A unique 40-foot long oval-shaped building at the site is thought to have functioned as a center for ceremonies, dances and special meetings. Charmstones, abalone pendants and other ritual items have been recovered from the site. Hundreds of human burials have been recorded, as well as ritual burials of coyotes and a California condor.”⁴⁶

In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People’s right to self-determination.⁴⁷ In 2015, the Council later delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding.

In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and referred to the Berkeley Shellmound landmark.⁴⁸ The latter affirmed the City’s commitment to the “defense of Indigenous rights,

⁴⁶ Shellmound – Ohlone Heritage Site and Sacred Grounds. [Web](#).

⁴⁷ United Nations General Assembly (2007). United Nations Declaration on the Rights of Indigenous Peoples. [Web](#).

⁴⁸ Berkeley Resolution No. 67,352-N.S. Recognizing the Ohlone Peoples. [Web](#).

culture, and dignity” as an official value, committing that “free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site...”⁴⁹ The success of this measure underscores how Indigenous groups including Ohlone members and conservation activists have organized in spreading awareness throughout the community about their homeland and sacred sites in Berkeley and the Bay Area.

In January 2018, Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory." In October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory." As part of their deliberations, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting.

On June 9, 2020 the City Council passed an item to paint the words “Black Lives Matter” and “Ohlone Territory” on streets adjacent to Berkeley’s City Hall.

At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings.⁵⁰

In the spirit of continuing to demonstrate and deepen the City of Berkeley’s commitment to recognition and inclusion of the Ohlone People we bring the proposal for an official land acknowledgment forward, including consideration of concrete actions that may follow from public deliberation.

ACTIONS/ALTERNATIVES CONSIDERED:

The City of Berkeley should consult with Lisjan Ohlone leadership regarding any decisions related to restorative, reparative, or other supportive actions. Some actions the City may wish to consult on include:

⁴⁹ Berkeley Resolution No. 67,353-N.S. Honor Berkeley Shellmound Indigenous Sacred Site, UC Berkeley Return Ancestral Remains to Ohlone Peoples. [Web](#).

⁵⁰City of Berkeley (2022). Berkeley Rent Board Adopts Land Acknowledgement Statement. [Web](#).

Create Easements and/or Return City land: The Sogorea Te' Land Trust and the City of Oakland on September 8, 2022 announced a visionary, historic plan to return approximately five acres of land owned by the City to Indigenous stewardship.

The Oakland City Council will hold hearings to consider conveying the site, known as Sequoia Point, to the Sogorea Te' Land Trust, and the East Bay Ohlone tribe, Confederated Villages of Lisjan Nation. The City would grant a cultural conservation easement in perpetuity to the Land Trust, allowing the Land Trust to immediately use the land for natural resource restoration, cultural practices, public education, and to plan for additional future uses.

What started out with a casual conversation between Oakland Mayor Libby Schaaf and tribal Chairperson Corrina Gould in 2018, grew into a partnership between the City and the Land Trust to begin to address the historic harms of Oakland's founding.

In the short term, the easement would allow the Land Trust to immediately begin tending to the land, gather Native plants and foods, clean up the area, and perform environmental and natural habitat restoration. The long-term vision of this project is to create a thriving, beautiful, ceremonial gathering place and structure where Indigenous people and their guests can come together and share cultural information and celebrations.

"I am committed to returning land to Indigenous stewardship, to offer some redress for past injustices to Native people," said Mayor Schaaf. "I hope the work we are doing in Oakland with the Sogorea Te' Land Trust can serve as a model for other cities working to return Indigenous land to the Indigenous community we stole it from."

In recognition of this historic moment, tribal Chairperson Corrina Gould said, "This agreement will restore our access to this important area, allowing a return of our sacred relationship with our ancestral lands in the hills. The easement allows us to begin to heal the land and heal the scars that have been created by colonization for the next generations."⁵¹

Berkeley should consider this or similar actions to return land to Ohlone ownership and/or stewardship.

⁵¹ Sogorea Te' Land Trust and City of Oakland Announce Plan to Return Land to Indigenous Stewardship. [Web](#).

Local Support for Land Transfers: As part of the land acknowledgement process, the City of Berkeley might consider encouraging residents to donate land to indigenous stakeholders such as the Sogorea Te' Land Trust that partners with dozens of local food justice and environmental groups to protect our shared environment.⁵² The Council could recognize donations of land or actions taken by community members to donate land through wills. The City could also partner to distribute information on the Sogorea Te' Land Trust and include information about the Trust on its website, including a guide to these types of donations produced by the Sustainable Economies Law Center, a copy of which is attached.^{53 54}

Local support for Voluntary Land Taxes: The City of Berkeley may consider further means to encourage residents to donate Indigenous causes through payment of voluntary land taxes, "Shuumi," that support the return of Indigenous land to Indigenous people.⁵⁵ The Sogorea Te' Land Trust, located in the East Bay, has such a program, and a similar program allows residents of the Humboldt Bay region to pay a voluntary tax to the Wiyot people. In Seattle, nearly 4,300 residents have signed up to pay the Duwamish Tribe symbolic rent.⁵⁶

Support for Statewide Indigenous Land Sovereignty: The City of Berkeley may continue its consideration of support letters, resolutions, and education campaigns that highlight exploitation of ancestral Indigenous people and lands.

Future efforts could support action to return land or pay restitution to Indigenous people. Returning land to Indigenous sovereignty or using restitution funds for Indigenous-led sustainability initiatives acknowledges the leading role that the securing of land had in the genocide of Indigenous people across the region.⁵⁷

Berkeley further may consider statements of support for giving Indigenous people sovereignty over national and local parks, acknowledging the acts of violence and genocide that drove them from these locations. Precedent exists in New Zealand and Australia.

⁵² Sogorea Te' Land Trust. Return the Land / Land Return. [Web](#).

⁵³ Sustainable Economies Law Center. Options for Transferring Land. [Web](#).

⁵⁴ Note: for lands outside this region, individuals can often find information on donations by searching "Tribal Historic Preservation Officer" along with the name of the nation they wish to give to.

⁵⁵ Sogorea Te' Land Trust. Shuumi Land Tax. [Web](#).

⁵⁶ Singh, M. (2019). Native American 'land taxes': a step on the roadmap for reparations. The Guardian. [Web](#).

⁵⁷ Lindsay, B.C. (2012) Murder State: California's Native American Genocide, 1846-1873. University of Nebraska Press. Print. P. 147- 186.

Indigenous communities are already stakeholders in park management, with a century of experience managing the layers of bureaucracy involved in managing these lands.⁵⁸

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Much like the process the Rent Stabilization Board pursued, the wording and intentions behind this land acknowledgement were developed in close consultation with Ohlone representatives. Academic and Native American sources underly the brief historical overview.

RATIONALE FOR RECOMMENDATION

The City of Berkeley has a moral obligation to acknowledge local and broader atrocities against Indigenous people, and continued injustices. The regular repetition of the Land Acknowledgement, coupled with opportunities for deeper learning, will serve as a constant reminder of our responsibilities, and open the door to further restorative actions by the City and members of the community.

IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT

Very little staff time or expense is needed to carry out the requirements of this referral. For Zoom meetings, a written version of the Acknowledgement will need to be prepared for screening prior to Council meetings, and the Agenda Committee will need to add the reading of the Acknowledgement to the Ceremonial Agenda of the first Regular City Council meeting of each month. For in-person meetings, a poster-sized version of the Land Acknowledgement should be produced for display in a prominent location in the Council chambers. This likely can be accomplished for under \$100.

Staff will further need to convey a copy of this item and resolution to the secretaries and chairs of each appointed or elected body in Berkeley, with a note that the City Council has requested such bodies to consider incorporating the acknowledgement into their meeting practices.

Posting the Land Acknowledgement on the City's website homepage and completing the new Ohlone history webpage is a limited expense and should be completed as quickly as possible. Other jurisdictions and organizations that practice the reading of Land Acknowledgements often also include pages about the history of local Indigenous People on their websites. These can serve as examples. Consultation with Lisjan Ohlone representatives is central to ensuring what is posted is complete and accurate.

⁵⁸ Treuer, D. (2021). Return the National Parks to the Tribes. The Atlantic. [Web](#).

ENVIRONMENTAL SUSTAINABILITY

This resolution raises awareness of how genocide and exploitation of land and other natural resources intersects with climate change, wildfire, food insecurity, and other major challenges our community – and planet - face. It will also raise awareness of the local conservation and environmental work of the Ohlone people.

FISCAL IMPACT

See Section in Implementation, Administration, and Enforcement for a description of de minimus associated costs.

OUTCOMES & EVALUATION

The City Council should partner with the Ohlone to develop and carry out more substantive acts of education, partnership, and restitution. This will prevent the land acknowledgement statement from becoming a mere “check-box of optical allyship.”

CONTACT PERSON

Councilmember Sophie Hahn, shahn@cityofberkeley.info; 510-682-5905

Attachments

1. Land Acknowledgement Statement
2. Land Acknowledgement Resolution
3. Sustainable Economies Law Center Options for Transferring Land – A Brief Guide

ATTACHMENT 1**Land Acknowledgement Statement**

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

ATTACHMENT 2 - RESOLUTION

RESOLUTION #####-N.S.

RECOGNIZING THAT BERKELEY IS THE ANCESTRAL, UNCEDED HOME OF THE
OHLONE PEOPLE AND ADOPTING AN OFFICIAL CITY OF BERKELEY LAND
ACKNOWLEDGEMENT AND PRACTICES

WHEREAS Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions; and

WHEREAS Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities, land acknowledgments continue to be used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live; and

WHEREAS To begin public meetings, localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements as well as many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA); and

WHEREAS Many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board; and

WHEREAS One of the leading advocacy groups for land acknowledgement, the Native Governance Center, asks that land acknowledgements go beyond a mere statement, by providing research on the history of indigenous peoples and offering concrete actions to support them; and

WHEREAS The settlers of California, primarily Europeans seeking religious converts, agricultural land, and economic opportunity during the gold rush committed one of the most egregious genocides in history, murdering 80 percent of Indigenous people in the state from 1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation; and

WHEREAS The Lisjan people have lived in the territory of Huchiun, the land that is now known as the East Bay in the San Francisco Bay Area, since the beginning of time and for thousands of years and hundreds of generations; and

WHEREAS the Lisjan people did not own the land, *they belonged to it*, and generation after generation they have cultivated reciprocal relationships with plants and animals and developed beautiful and powerful cultural practices that keep us in balance; and

WHEREAS The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history, whose tribes, cultures and languages are as diverse as the ecosystems we live within; and

WHEREAS The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napian (Patwin); and

WHEREAS The colonization of the land where Berkeley is located began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land; and

WHEREAS The Missions were plantations, built by slave labor and sustained through brutal physical violence and extractive land practices, and the Spanish also brought deadly diseases, invasive species, and Christian ideology based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings they shared the land with; and

WHEREAS After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely; and

WHEREAS In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities, and cultural and spiritual traditions were forced into dormancy or secrecy resulting in much knowledge perishing with the passing of generations; and

WHEREAS Despite these concerted efforts to erase Lisjan history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families that utilizes a wide array of survival strategies to navigate a profoundly altered 21st century

world, and the Lisjan continue to revitalize their cultural practices and uphold their responsibilities to protect and care for their ancestral homeland; and

WHEREAS Having survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras, the Lisjan continue to inhabit their ancestral homeland, fight for their sacred sites, and revitalize their cultural practices; and

WHEREAS The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking both symbolic and concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as steps to address oppressive actions that persist today; and

WHEREAS In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day, which motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People; and

WHEREAS In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as an official Landmark, and the site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing; and

WHEREAS In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States; and

WHEREAS In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People's right to self-determination and in 2015 the Council delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding; and

WHEREAS In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and affirmed the City's commitment to the "defense of Indigenous rights, culture, and dignity" as an official value,

committing that “free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site...”; and

WHEREAS In January 2018, the City Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory" and in October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory;" and

WHEREAS During deliberations to recognize the Ohlone on City Limit Signs, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting; and

WHEREAS On June 9, 2020 the City Council passed an item to paint the words “Black Lives Matter” and “Ohlone Territory” on streets adjacent to Berkeley’s City Hall; and

WHEREAS At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings, providing an important example for the City to follow.

NOW THEREFORE, BE IT RESOLVED In the spirit of continuing to demonstrate and deepen the City of Berkeley’s recognition, inclusion, restitution, and repair towards the Lisjan Ohlone, whose ancestral home lies where the City of Berkeley is located, and who have survived centuries of cultural, physical, and environment genocide at the hands of Spanish, Mexican, and American colonists, the Council of the City of Berkeley hereby adopts the following Land Acknowledgement:

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s residents have and continue to benefit from the use and occupation of

this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

BE IT FURTHER RESOLVED That the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the Berkeley City Council and shall be read out loud during the Ceremonial portion of the first Regular City Council Meeting of each month.



OPTIONS FOR TRANSFERRING LAND

A BRIEF GUIDE

This short guide summarizes various options for landowners interested in transferring land to another person, group, or community. Landowners who are particularly interested in transferring ownership to nonprofit land trusts, indigenous tribes, and community-based organizations will find this guide most useful.

Because we have written this guide with landowners in mind, we also provide a brief consideration of the advantages and disadvantages of each option from that perspective. Having said that, we think it is essential that landowners consider their own goals as well as the goals and needs of the party or community to whom they would like to transfer land.

Four key questions to consider as you read through this guide focus on the *financial* and *use* needs of the parties.

1. What are the **financial needs** of the transferring party?
2. What are the **financial needs** of the receiving party?
3. What are the **use needs** of the transferring party after the transfer?
4. What are the **use needs** of the receiving party after the transfer?

The land transfer mechanisms covered in this guide include:

- Full Value Sale
- Charitable (Bargain) Sale
- Full Donation
- Donation of a Remainder Interest
- Revocable Transfer on Death (Lady Bird Deed)
- Donation by Bequest
- Sale or Donation of an Easement

In any situation, we strongly recommend that you seek individualized tax, legal, and estate planning advice to determine which of these options is best suited to your circumstances. Laws vary from state to state, so having appropriate counsel where the land is located is critical.



Full Value Sale

This is likely the kind of transfer of ownership that most people are familiar with. In this scenario, the landowner sells to the buyer at a price determined by a third-party appraisal. The buyer pays the full value and receives title to the property. For many people, including nonprofits and other community-based organizations, a full value sale is not an affordable option. However, there are ways to make this option more affordable by delaying payment in two ways.

1. **Installment Sale:** An installment sale allows the buyer to make payments over several years at intervals and amounts that are agreeable to both parties. The landowner would retain title to the property until the final payment. The parties could agree to provide the buyer with use of the land at any point during the payment period, including at the first payment or after payment has been made in full.
2. **Seller Financing:** Alternatively, the landowner could provide seller financing, meaning that title immediately transfers to buyer, and in exchange, the landowner gets a promissory note in which the buyer promises to pay the landowner over time, with or without interest. A deed of trust is recorded on the property to secure payment of the promissory note.

Advantages of this option:

- Fee simple ownership of land gives the buyer the greatest ability to fulfill their mission and ensure secure tenure over the long term.

Disadvantages of this option:

- The landowner will have to pay income tax on the capital gain if the land has appreciated in value since it was originally purchased.
- This is the least financially feasible option for buyers, particularly nonprofit organizations with a limited budget and limited capacity to raise capital.
- An installment sale may limit the buyer's uses of the land until the transfer is complete.



Charitable (Bargain) Sale

A charitable, or bargain, sale occurs when the landowner sells land to a *tax-exempt nonprofit* organization for less than market value. This kind of sale makes the land more affordable to the buying nonprofit, and can offer tax deduction benefits to the selling landowner. The parties can also use the **Installment Sale** or **Seller Financing** options discussed above in this situation as well, if affordability is still a concern for the nonprofit buying the land.

Advantages of this option:

- The difference between full market value and the sale price can qualify the landowner for an income tax deduction and capital gains tax reduction for that portion of the value. This can offset the income taxes and capital gains taxes the landowner will incur from the sale of the property, after reducing ordinary income.
- If the land has significantly increased in value since the seller purchased it, this option can offset a large amount of the resulting capital gains liability for the increased value.
- The nonprofit buyer will be more likely to afford the purchase price of the land.

Disadvantages of this option:

- The landowner does not realize the full income from the market value of the property.
- This may not be the best strategy if the landowner would otherwise qualify for public benefits in the next several years. Recently transferred assets like land can negatively impact eligibility for benefits.

**Full Donation**

This is the simplest way to transfer land to another party and is the most affordable option for receiving nonprofits or community-based organizations to advance their mission to protect, preserve, and steward land in the long term.

Advantages of this option:

- Fee simple donation to an eligible tax-exempt organization would give the landowner the greatest immediate income tax benefits, sometimes for the full appraised value of the land, in addition to relief from property taxes, and potential estate tax benefits.
- The receiving party would not require financing in order to receive the land.
- The land would be immediately available to the receiving party.

Disadvantages of this option:

- The landowner does not realize the full income from the market value of the property.
- This may not be the best strategy if the landowner would otherwise qualify for public benefits in the next several years. Recently transferred assets like land can negatively impact eligibility for benefits.

**Donation of a Remainder Interest**

If the landowner would like to donate the land to an eligible tax-exempt nonprofit organization but retain the ability to live on the land during their, or their family members', lifetime, they can donate what is called a "remainder interest" in the land while retaining what is called a "life estate."

Advantages of this option:

- Full transfer to the receiving party will occur immediately upon the landowner's death. Upon the landowner's, or their designated family members', death, this kind of transfer avoids the expense and delay of probate.
- The landowner may be able to receive an immediate income tax deduction for the value of the property that was donated (determined by an appraisal).
- This may be a good option for landowners who receive public benefits. The state can make a claim for repayment of these benefits against an estate and place a lien on property after death. However, because donating a remainder interest is irrevocable, the property will not be part of the estate at death.
- The land will not be subject to capital gains tax on appreciated value.
- The property will not be part of the donor's taxable estate, where the donor (and/or the donor's spouse) are the only life tenants.

Disadvantages of this option:

- The landowner will need to pay the property taxes on the land while retaining use of the property.
- The landowner does not realize the full income from the market value of the property.
- The receiving party would not require financing in order to receive the land.
- Without another agreement, the land will not be immediately available for use by the receiving party.

**Revocable Transfer on Death Deed (Lady Bird Deed)**

Lady Bird Deeds, which are only available in some states, are similar to deeds described above that create a life estate and donate a remainder interest, except that Lady Bird Deeds are revocable, meaning that the landowner can, during their lifetime, revoke the transfer. This gives more control to the landowner, but can put the receiving party in an uncertain position. Lady Bird Deeds are available in California until 2021, unless legislation is introduced to extend the law.

Advantages of this option:

- Transfer of title will occur immediately upon the landowner's death, so the donation will not be subject to the expense and delay of probate.
- The land donation will not be subject to capital gains tax on appreciated value.
- The landowner can revoke the deed at any time during their lifetime.

Disadvantages of this option:

- Because the deed is revocable, the landowner does not receive an income tax deduction available with other land donations.
- Without another agreement, the land will not be immediately available to the receiving party.
- The receiving party would not require financing in order to receive the land.
- This kind of transfer does not provide reliable certainty to the receiving party since the transfer can be revoked during the landowner's lifetime.



Donation by Will or Living Trust (Bequest)

A landowner can donate land in a will or through a revocable living trust. Both strategies allow the landowner to retain full use of the land during their lifetime.

Advantages of this option:

- Reduces estate or inheritance taxes.
- Can be changed or revoked at any time during landowner's lifetime.
- The receiving party would not require financing in order to receive the land.

Disadvantages of this option:

- The landowner will still be responsible for paying property taxes for the entire property during their lifetime.
- Without another agreement, the land will not be immediately available to the receiving party.



Agricultural, Conservation, or Cultural Easement Donation

An *easement* is an agreement between the landowner and a third party that affects the landowner's rights on the land covered by the easement. Easements are generally recorded on the deed of the property and are therefore permanent. Conservation, agricultural, and cultural easements are specific kinds of agreements that can be entered into with eligible organizations or tribes that can also qualify as a charitable contribution if donated by the landowner.

- A *conservation easement* permanently restricts uses on the land that interfere with the ecological conservation of that land.
- An *agricultural easement* permanently protects farmland by setting limitations on the use of the land.
- A *cultural easement*, available in some states, grants indigenous communities certain access rights to lands for continuing and preserving cultural heritage.

Easements can be sold or donated. The party holding the easement cannot also be the party that holds title to the land.

Advantages of this option:

- The landowner can retain ownership of the land and convey the land to their heirs.
- If the easement meets IRS criteria, the landowner may be able to deduct the value of any donated portion of the easement up to 50% of their adjusted gross income, or 100% if they are a farmer, for up to 15 years.
- Affirmative easements (those requiring certain uses) can increase the value of the easement and reduce the overall value of the land, making it more affordable if the easement is sold instead of donated
- In addition to an income tax deduction, the easement may reduce property taxes and estate taxes.

Disadvantages of this option:

- Easements do not convey an ownership interest in the land to the party holding the easement. This may not align with the intent of either or both parties.
- Easements can be expensive to enforce, thus creating a financial liability for the easement-holding party.
- Easements, alone, do not preserve long-term affordability of land, because an easement only reduces the relative market value of the land, but does not immunize the land value from increasing through speculation and other market forces.

ITEM 11

DATE: April 3, 2024
TO: FAIR CAMPAIGN PRACTICES COMMISSION
FROM: Mark Numainville, City Clerk
SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments.

The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$610.

As of April 3, 2024, the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Ruben Hernandez Story for Council 2024
Qualified Contributions:	\$2,155
Eligible Matching Funds:	\$12,930
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$12,930.

Basic glossary of terms:

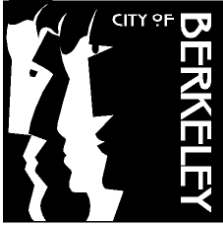
Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$610.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

ITEM 11

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Ruben Hernandez Story: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
04/02/2024
19:15:29
Filing ID:
211364904

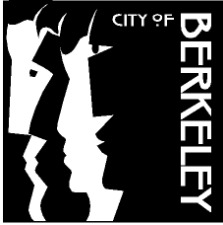
FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Council Member	COUNCIL DISTRICT (IF APPLICABLE) 4	
ELECTION CYCLE 04/02/2024		
CANDIDATE INFORMATION		
LAST Hernandez Story	FIRST Ruben	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Ruben Hernandez Story for Council 2024	FPPC I.D. No. 1467466	
CANDIDATE CERTIFICATION		
<p>Under penalty of perjury, I hereby certify:</p> <p>I have complied with the restrictions of Berkeley Municipal Code Chapter 2.12 (Election Reform Act) during the election cycle to date; and</p> <p>My campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and</p> <p>I will comply with the requirements of Chapter 2.12 during the remainder of the election cycle and, specifically, if certified as an eligible participating candidate, will comply with the requirements applicable to participating candidates.</p>		
Ruben Hernandez Story CANDIDATE SIGNATURE		04/02/2024 DATE SIGNED

ITEM 11



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
04/02/2024
19:18:46

Filing ID:
211364980

FAIR ELECTIONS ACT FORM INITIAL QUALIFYING DECLARATION FOR PUBLIC FUNDS BY CANDIDATES FOR MAYOR, CITY COUNCIL, CITY AUDITOR, SCHOOL BOARD DIRECTOR, OR RENT STABILIZATION BOARD COMMISSIONER

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 4	
ELECTION CYCLE 05/28/2024			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Ruben Hernandez Story for Council 2024		FPPC I.D. No. 1467466	
STREET ADDRESS		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94703	
TELEPHONE (956) 975-6791	EMAIL ADDRESS ruben4berkeley@gmail.com		
CANDIDATE DECLARATION			
I hereby declare that the following information is true and correct: <ul style="list-style-type: none">All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge.I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds.I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties.All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.			
Ruben Hernandez Story CANDIDATE SIGNATURE		04/02/2024 DATE SIGNED	

ITEM 11

INITIAL QUALIFYING REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT

In order to participate in the Public Financing Program, a candidate must collect at least 30 Qualified Contributions from at least 30 unique contributors of at least \$10.00 and no more than \$60.00 each, for a total dollar amount of at least \$580.00.

All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete contributor information (full name, address, occupation, and employer) as required by BERA and the Political Reform Act.

	Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1.	Martinucci	Jill		94703-1037 BERKELEY	Not Employed	Not Employed	Electronic	03/19/2024	03/19/2024	1	60.00
2.	Alcott	Annie		94703-1705 Berkeley	Not Employed	Not Employed	Electronic	03/19/2024	03/19/2024	1	60.00
3.	Filan	Daniel		94704 Berkeley	Graduate student	UC Berkeley	Electronic	03/18/2024	03/18/2024	1	60.00
4.	Parolek	Daniel		94702 Berkeley	Architect	Opticos Design Inc.	Electronic	03/18/2024	03/18/2024	1	60.00
5.	Lent	Tom		94702 Berkeley	Not Employed	Not Employed	Electronic	03/18/2024	03/18/2024	1	60.00
6.	Franklin	Zachary		94703 BERKELEY	Nonprofit executive	GRID Alternatives	Electronic	03/16/2024	03/16/2024	1	60.00
7.	Taplin	Terry		94710 Berkeley	City Councilmember	City of Berkeley	Electronic	03/16/2024	03/16/2024	1	60.00
8.	Posselt	Theo		94709 Berkeley	Consultant	Deloitte	Electronic	03/16/2024	03/16/2024	1	60.00
9.	Allan	Stephanie		94703 Berkeley	Retired	Not Employed	Electronic	03/15/2024	03/15/2024	1	60.00
10.	Goetz	Sierra		94703 Berkeley	Architect	TEF Design	Electronic	03/13/2024	03/13/2024	1	60.00
11.	Booth	Paul		94703 Berkeley	construction	PSB Home Improvement, Berkeley	Electronic	03/12/2024	03/12/2024	1	60.00
12.	Robinson	Rigel		94704 Berkeley	Barista & Chaiwala	Elaichi Co	Electronic	03/12/2024	03/12/2024	1	60.00
13.	Moss	Julia		94702 Berkeley	Writer	Self, Berkeley, CA	Electronic	03/11/2024	03/11/2024	1	30.00
14.	Droste	Lori		94705 Berkeley	Legislative aide	City of Berkeley	Electronic	03/11/2024	03/11/2024	1	60.00
15.	Nemchek	Madeleine		94709 Berkeley	Research	Nurix Therapeutics	Electronic	03/11/2024	03/11/2024	1	60.00
										Subtotals	870.00

ITEM 11

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
16.	Hedlund		94705 Berkeley	Technology Executive	Tenuki Moves LLC	Electronic	03/11/2024	03/11/2024	1	60.00
17.	Hood		94710-2305 Berkeley	Capital Budget Administrator	EBMUD	Electronic	03/11/2024	03/11/2024	1	60.00
18.	Baker		94703 Berkeley	Software Developer	Dropbox	Electronic	03/09/2024	03/09/2024	1	60.00
19.	Gould		94704 Berkeley	Retired	None	Electronic	03/07/2024	03/07/2024	1	60.00
20.	McCormick		94705-2820 Berkeley	Chief of Staff	City of Berkeley	Electronic	03/07/2024	03/07/2024	1	60.00
21.	Panzer		94709 Berkeley	Legislative aide	City of Berkeley	Electronic	03/06/2024	03/06/2024	1	60.00
22.	Kawczynska		94710 Berkeley	Retired	Not Employed	Electronic	03/05/2024	03/05/2024	1	60.00
23.	Shere		94706 Berkeley	Software Engineer	Nuna	Electronic	03/05/2024	03/05/2024	1	60.00
24.	Aguilar Canabal		94709 Berkeley	Legislative Assistant	City of Berkeley	Electronic	03/05/2024	03/05/2024	1	60.00
25.	Lee-Egan		94702 Berkeley	creative manager	Sierra Club	Electronic	03/05/2024	03/05/2024	1	60.00
26.	Lee-Egan		94702 Berkeley	Software Engineer	Google	Electronic	03/03/2024	03/03/2024	1	60.00
27.	Hyun		94709 Berkeley	Senior Environmental Scientist Specialist	State Water Resources Control Board	Electronic	03/03/2024	03/03/2024	1	60.00
28.	Pearce		94704 Berkeley	Student	Berkeley Law	Electronic	03/02/2024	03/02/2024	1	60.00
29.	Gerstein		94703 Berkeley	legislative aide	City of Berkeley	Electronic	03/02/2024	03/02/2024	1	60.00
30.	Slaughter		94709 Berkeley	Software Engineer	Adobe	Electronic	03/02/2024	03/02/2024	1	60.00
31.	Woo		94710 Berkeley	Retired	Retired	Electronic	03/02/2024	03/02/2024	1	60.00
32.	Gray		94705 Berkeley	Psychotherapist	Self, Berkeley, CA	Electronic	03/02/2024	03/02/2024	1	60.00
33.	Washington		94702 Berkeley	Not Employed	Not Employed	Electronic	03/02/2024	03/02/2024	1	25.00
34.	Humbert		94705 Berkeley	Lawyer	Humbert Law Offices	Electronic	03/02/2024	03/02/2024	1	60.00
35.	Neels		94704 Berkeley	Software Engineer	Google	Electronic	03/01/2024	03/01/2024	1	60.00
36.	Talbot		94710 Berkeley	Software engineering	Elation Health	Electronic	03/01/2024	03/01/2024	1	60.00
									Subtotals	1,225.00

ITEM 11

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
37. Fike	Barry		94703 Berkeley	Retired	Not Employed	Electronic	03/01/2024	03/01/2024	1	60.00
									Subtotals	60.00
									Grand Totals	2,155.00

2155
 X6
12,930

ITEM 11

DATE: April 1, 2024
TO: FAIR CAMPAIGN PRACTICES COMMISSION
FROM: Mark Numainville, City Clerk
SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments.

The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$610.

As of April 1, 2024, the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Soli Alpert for Berkeley City Council 2024
Qualified Contributions:	\$1,779
Eligible Matching Funds:	\$10,578
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$10,578.

Basic glossary of terms:

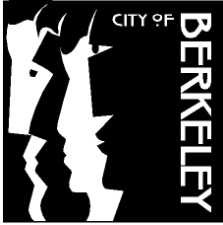
Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$610.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

ITEM 11

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Soli Alpert: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
03/28/2024
11:30:30
Filing ID:
211220639

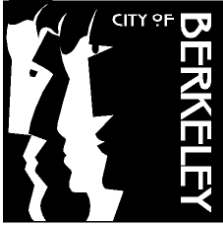
FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Council Member	COUNCIL DISTRICT (IF APPLICABLE) 4	
ELECTION CYCLE 05/28/2024		
CANDIDATE INFORMATION		
LAST Alpert	FIRST Soli	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Soli Alpert for Berkeley City Council 2024		FPPC I.D. No. 1467518
CANDIDATE CERTIFICATION		
<p>Under penalty of perjury, I hereby certify:</p> <p>I have complied with the restrictions of Berkeley Municipal Code Chapter 2.12 (Election Reform Act) during the election cycle to date; and</p> <p>My campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and</p> <p>I will comply with the requirements of Chapter 2.12 during the remainder of the election cycle and, specifically, if certified as an eligible participating candidate, will comply with the requirements applicable to participating candidates.</p>		
Soli Alpert CANDIDATE SIGNATURE		03/28/2024 DATE SIGNED

ITEM 11



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
03/28/2024
14:48:33

Filing ID:
211229169

FAIR ELECTIONS ACT FORM INITIAL QUALIFYING DECLARATION FOR PUBLIC FUNDS BY CANDIDATES FOR MAYOR, CITY COUNCIL, CITY AUDITOR, SCHOOL BOARD DIRECTOR, OR RENT STABILIZATION BOARD COMMISSIONER

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 4	
ELECTION CYCLE 05/28/2024			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Soli Alpert for Berkeley City Council 2024		FPPC I.D. No. 1467518	
STREET ADDRESS		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94709	
TELEPHONE (415) 819-2139	EMAIL ADDRESS soliforberkeley@gmail.com		
CANDIDATE DECLARATION			
I hereby declare that the following information is true and correct:			
<ul style="list-style-type: none">All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge.I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds.I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties.All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.			
Soli Alpert CANDIDATE SIGNATURE		03/28/2024 DATE SIGNED	

ITEM 11

INITIAL QUALIFYING REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT

In order to participate in the Public Financing Program, a candidate must collect at least 30 Qualified Contributions from at least 30 unique contributors of at least \$10.00 and no more than \$60.00 each, for a total dollar amount of at least \$580.00.

All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete contributor information (full name, address, occupation, and employer) as required by BERA and the Political Reform Act.

	Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1.	Twu	Alfred		94704 Berkeley	Architect/Artist	MWA Architects/Self Employed (Berkeley)	Electronic	03/27/2024	03/27/2024	1	27.00
2.	Lewis	Matthew		94709 Berkeley	Student	Student	Check	03/26/2024	03/26/2024	1	60.00
3.	Appel	Judith		94703 Berkeley	Retired	Retired	Check	03/22/2024	03/22/2024	1	60.00
4.	MacLean	Judith		94704 Berkeley	Retired	Retired	Electronic	03/22/2024	03/22/2024	1	60.00
5.	Mahmood	Khalid		94709 Berkeley	Graduate Student Researcher	University of California	Electronic	03/20/2024	03/20/2024	1	27.00
6.	Illgen	Richard		94708 Berkeley	Consultant	Self (Berkeley)	Electronic	03/19/2024	03/19/2024	1	60.00
7.	Johnson	Keith		94703 Berkeley	Professor	University of California, Berkeley	Electronic	03/19/2024	03/19/2024	1	60.00
8.	Diehm	Erin		94703 Berkeley	Retired	Retired	Electronic	03/17/2024	03/17/2024	1	60.00
9.	Vasudeo	Ana		94707 Berkeley	School Board Director	Berkeley Unified School District	Electronic	03/15/2024	03/15/2024	1	60.00
10.	Simon-Weisberg	Leah		94708 Berkeley	Attorney	California Center for Movement Legal Services	Electronic	03/15/2024	03/15/2024	1	60.00
11.	Martinac	Ida		94703 Berkeley	Legal Secretary	California Department of Justice	Electronic	03/15/2024	03/15/2024	1	60.00
12.	Witkin	Asher		94703 Berkeley	Music Teacher	Kairos Music Academy	Electronic	03/12/2024	03/12/2024	1	40.00
13.	Rayasam	Swati		94703 Berkeley	Environmental Protection Specialist	United States Environmental Protection Agency	Electronic	03/12/2024	03/12/2024	1	60.00
14.	Glass	Nick		94709 Berkeley	Educator	TeachingBooks	Electronic	03/10/2024	03/10/2024	1	60.00
15.	Collins	Zipporah		94707 Berkeley	Retired	Retired	Electronic	03/07/2024	03/07/2024	1	60.00
										Subtotals	814.00

ITEM 11

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
16.	Campana	Anthony	94704 Berkeley	Construction Project Management	Charles Pankow Builders, LTD	Electronic	03/06/2024	03/06/2024	1	49.00
17.	Smith	Margot	94709 Berkeley	Retired	Retired	Electronic	03/06/2024	03/06/2024	1	60.00
18.	Dille	Deborah	94704 Berkeley	Retired	Retired	Electronic	03/06/2024	03/06/2024	1	60.00
19.	Rose	Leslie	94705 Berkeley	Retired	Retired	Electronic	03/06/2024	03/06/2024	1	60.00
20.	Baumann	MJ	94709 Berkeley	Retired	Retired	Electronic	03/05/2024	03/05/2024	1	60.00
21.	Shergill	Sunsaara	94704 Berkeley	Student	Student	Electronic	03/05/2024	03/05/2024	1	60.00
22.	Fitzgerald	Lauren	94720 Berkeley	Campaign Consultant	Self (Berkeley)	Electronic	03/05/2024	03/05/2024	1	60.00
23.	Pan	Tony	94709 Berkeley	Software Engineer	Hive AI	Electronic	03/05/2024	03/05/2024	1	60.00
24.	Oatfield	Christina	94704 Berkeley	Attorney	Self (Berkeley)	Electronic	03/04/2024	03/04/2024	1	60.00
25.	Kelley	Andy	94702 Berkeley	Rent Stabilization Board Member	City of Berkeley	Electronic	03/01/2024	03/01/2024	1	60.00
26.	Lunaparra	Cecilia	94704 Berkeley	Intern	California Housing Defense Fund	Electronic	02/29/2024	02/29/2024	1	60.00
27.	Greenberg	Samuel	94703 Berkeley	Legislative Aide	County of San Mateo	Electronic	02/29/2024	02/29/2024	1	60.00
28.	Marrero	Vanessa	94703 Berkeley	Executive Director	Parents for Public Schools San Francisco	Electronic	02/28/2024	02/28/2024	1	60.00
29.	Arbaugh	Avery	94704 Berkeley	Volunteer Coordinator	Kate Harrison for Mayor 2024	Electronic	02/28/2024	02/28/2024	1	60.00
30.	Scantlebury	Jane	94703 Berkeley	Retired	Retired	Electronic	02/27/2024	02/27/2024	1	60.00
31.	Harrison	Kate	94709 Berkeley	Consultant	Self (Berkeley)	Electronic	02/27/2024	02/27/2024	1	60.00
32.	Gottlieb	Jonah	94704 Berkeley	Campaign Manager	Cecilia Lunaparra for City Council	Electronic	02/27/2024	02/27/2024	1	60.00
									Subtotals	1,009.00 949.00
									Grand Totals	1,823.00 1,823.00 1,763.00

1,763.00
x6
10,578.00